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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,361	02/26/2004	Diana Yanakiev	81079897 FMC 1644 PUS	2360
28395 7590 01/10/2008 BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238			EXAMINER BEHNCKE, CHRISTINE M	
			ART UNIT 3661	PAPER NUMBER
			MAIL DATE 01/10/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/708,361

Applicant(s)

YANAKIEV, DIANA

Examiner

Christine M. Behncke

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,14,22 and 23 is/are rejected.
- 7) ☒ Claim(s) 3-13,15-21 and 24-26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

This office action is in response to the Amendment and Remarks filed 24 October 2007, in which claims 1-26 were presented for examination.

Response to Arguments

Applicant's arguments with respect to claims 1, 2, 14, 17, 22-26 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 14, 22 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Pastor et al, US 5,720,533.

(Claim 1) Pastor describes a method for controlling a vehicle using a nonlinear error-based control, the method comprising: determining a current value of a first vehicle parameter (measured yaw rate); determining a first error (yaw rate error), the first error being a difference between a first target value of the first vehicle parameter and the current value of the first vehicle parameter (column 6, lines 12-25); and determining a first vehicle request, the first vehicle request being a nonlinear, increasing function of the first error (column 7, lines 24-39).

(Claim 2) Pastor further describes determining a second vehicle request (anti-lock mode); and arbitrating the first and second vehicle requests, thereby determining a first arbitrated vehicle request (column 10, lines 7-22).

(Claim 14) Pastor further describes a method for controlling a vehicle using nonlinear error-based control, the method comprising: determining a current value of a vehicle parameter (yaw rate); determining a first error, the first error being a difference between a target value of the parameter and the parameter current value (yaw rate error); and applying a first gain to the first error, thereby producing a first vehicle request, the first gain being a non-decreasing function of the absolute value of the first error (column 8, lines 20-65).

(Claim 22) Pastor describes a vehicle comprising: at least one torque producing device operable to propel the vehicle (column 7, lines 24-39); at least one sensor configured to measure a vehicle parameter and to output signals related to the measured parameter (yaw rate sensor 80); and a controller configured to receive signals from the at least one sensor, determine a first error, and determine a vehicle request, thereby facilitating control of the at least one torque producing device (controller 68, column 6, lines 12-25), the first error being a difference between a target value of the vehicle parameter and a measured value of the vehicle parameter (column 6, lines 12-25), the vehicle request being a nonlinear, increasing function of the first error (column 7, lines 24-39).

(Claim 23) Pastor further describes wherein the vehicle request is used to determine an amount of torque requested from the at least one torque producing device (abstract).

Claim Objections

Claims 3-13, 15-21, and 24-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine M. Behncke whose telephone number is (571) 272-8103. The examiner can normally be reached on 8:30 am- 5pm.

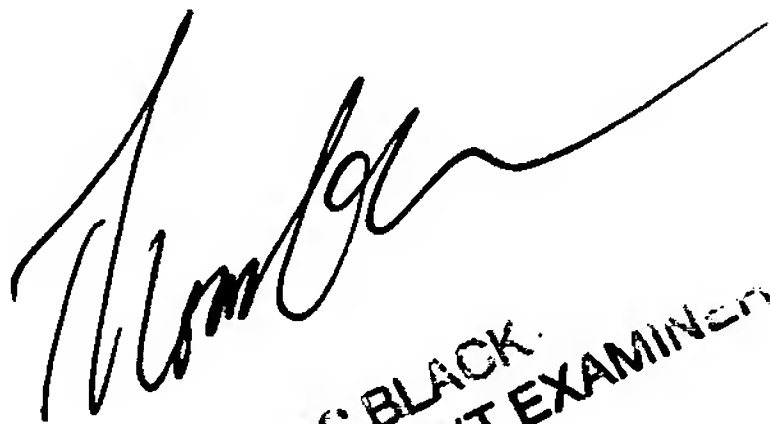
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CMB



THOMAS BLACK
SUPERVISORY PATENT EXAMINER